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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F18A/0547**

**APPEAL** by Sean O'Malley of 56 Brookdale Way, Swords, County Dublin against the decision made on the 19<sup>th</sup> day of November, 2018 by Fingal County Council to refuse permission to the said Sean O'Malley.

**Proposed Development:** Erection of a two-storey detached dwelling and ancillary works, at site adjoining number 1 The Willows, Commons East, Swords, County Dublin.

## **Decision**

**REFUSE** permission for the above proposed development in accordance with the reasons and considerations set out below.

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

1. The proposed development would, by reason of removal of open space provision for a residential development, contravene materially a condition attached to an existing permission for development namely, condition number 7 attached to the outline permission granted by Fingal County Council on the 25<sup>th</sup> day of October, 2006, under planning register reference number F06A/1270 (outline) and conditions numbers 1, 7 and 10 attached to the permission consequent on the grant of outline permission granted by Fingal County Council on the 12<sup>th</sup> day of July, 2007, under planning register reference number F07A/0251 (permission consequent).
2. Having regard to the planning history of the site, in particular the use of this part of the site as open space serving the overall development as granted under planning register reference numbers F06A/1270 and F07A/0251, and the minimum requirement for the quantum of open space (10%) required in the Fingal County Development Plan 2017-2023, it is considered that the proposed development would seriously injure the residential amenity of existing residents by reason of loss of open space. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development does not include adequate information on any connection for the foul water, water supply or the treatment of the

soakaway for the adjoining road. The applicant has not submitted sufficient information to indicate they have control or ownership over any of the lands to undertake works to the road to service the site and surrounding area. In the absence of adequate information in relation to servicing the site, the Board is precluded from giving further consideration to the granting of permission for the development.

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**Paul Hyde**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**